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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/995,492      | 11/26/2001  | Hong M. Dang         | 100111622-2         | 3187             |

7590 04/13/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

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| EXAMINER |
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SHEIKH, ASFAND M

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3627

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 04/13/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/995,492 | <b>Applicant(s)</b><br>DANG ET AL. |  |
|                              | <b>Examiner</b><br>Asfand M. Sheikh  | <b>Art Unit</b><br>3627            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3627

**DETAILED ACTION**

The amendment filed on 05-Oct-2006 has been entered. Claims 19-25 are pending for examination.

Please Note: The examiner examining this case has changed. The new examiner is Asfand M. Sheikh. The group art unit has not changed.

In light of the amendments made to the independent claim, this action has been made final.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 19, 20, 22 and 25 are rejected under 35

U.S.C. 102(e) as being anticipated by Gryglewicz et al.

Art Unit: 3627

As per claim 19, Gryglewicz et al. teaches a plurality of servers (Gryglewicz et al., see at least, col. 5, lines 46-55) connected to the public network (Gryglewicz et al., see at least, col. 5, lines 46-55; examiner interprets Internet to be a public network) for providing a public web-based tax service that allows merchant subscribers to accumulate tax information, wherein different functions of the tax service are performed by different servers (Gryglewicz et al., see at least, col. 5, lines 46-67; col. 6, lines 1-7; col. 8, lines 19-53; the examiner interprets main controller and distributed controller to handle different functions of the tax service); and means for providing security for information on the servers and information during transmission over the public network between the servers (Gryglewicz et al., see at least, col. 15, lines 12-18; the examiner interprets private key encryption to be means of security on the servers and SSL to be means of security during transmission between servers).

As per claim 20, Gryglewicz et al. teaches wherein the web-based tax service includes tax identification, tax computation, tax collection, tax remittance and tax reporting for audit servers (Gryglewicz et al., see at least, col. 5, lines 46-67; col. 6, lines 1-7; col. 8, lines 19-53).

As per claim 22, Gryglewicz et al. teaches further comprising means for providing balancing and scalability of the servers (Gryglewicz et al., see at least, col. 5, lines 46-67 and col. 6, lines 1-7).

As per claim 22, Gryglewicz et al. teaches wherein the security means also provides security for information transmitted between the servers and the merchant subscribers (Gryglewicz et al., see at least, col. 15, lines 12-18).

*Claim Rejections - 35 USC § 103*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gryglewicz et al. in view of Nokia IP330 (evidenced relied upon to teach that the features of the Nokia IP330 as well as the availability of the product to the public includes: (1) article "Nokia IP Network Security Solutions"; (2) "VPN White Paper: Secure Enterprise Communication"; (3) press release "Nokia wins 'Firewall Product of the Year' award for the IP Security Solution: IP330 at the Network Industry Awards 2000"; (4) press release "Nokia introduces a compact addition to

Art Unit: 3627

the Nokia IP Security Series: Nokia IP330") and (5) Applicant's Specification page 18, lines 6-9.

As per claim 21, Gryglewicz et al. is silent with respect to a managed firewall for preventing unwanted data from being entered into the system while data is being transmitted between subscribers and the servers.

The examiner submits a press release for the introduction of the Nokia IP330. Further Examiner turns to Applicant's Specification, page 18, lines 6-9 which states, "a first security module or function 110 (see also Fig 7) is provided for protecting the system from entry of unwanted data during transfer over the network. In one embodiment, as shown in Fig. 6, a managed firewall device 40, e.g. Nokia IP330, provides this function."

Further Nokia teaches (line 7) that the IP330 is a highly cost-competitive, simple-to-deploy firewall.

As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sullivan to include the managed firewall, Nokia IP330 as means for preventing unwanted data from being entered into the system while data is being transmitted between subscribers and the servers, as taught by the Nokia press

Art Unit: 3627

release and Applicant's Specification. One of ordinary skill in the art would have been motivated to implement the Nokia to the system of Sullivan to provide a highly cost-competitive, simple-to-deploy firewall (see Nokia press release line 7).

As per claim 23, Examiner notes the combination of Gryglewicz et al. in view of Nokia IP330 represents a tiered architecture, as the managed firewall (Nokia IP330) represents an additional tier. In addition, the Nokia IP330 includes a means for PKI 2-way authentication and authorization (public key infrastructure), HTTPS post with XML Document and SSH for remote administration. Evidence to support this position can be found in the article "Nokia IP Network Security Solutions" on page 6 under, "Network Management" Heading. Examiner notes that S/Key represents Public Key Infrastructure (PKI) and SSL/TLS is the mechanism by which HTTPS runs (see Microsoft Computer Dictionary definition of "HTTPS").

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gryglewicz et al. in view of "Checking Your Server's Heartbeat" by Harry Breisford (hereinafter Breisford).

Art Unit: 3627

As per claim 24, Gryglewicz et al. as discussed in detail above with respect to claim 19, teaches all the claimed limitations except a means for recording the disk usage, access logging and heart beat monitoring.

Breisford teaches a system monitor feature which allows an administrator to check a systems heartbeat, including logs, reports, alerts and charts (see page 1, line 15). Breidford further teaches these tools are used to take preventative care of a server (see page 6, line 14-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sullivan to include a means for recording the disk usage, access logging and heart beat monitoring as taught by Breisford in order to take preventative care of the servers of Gryglewicz et al.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 19-25 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicants arguments directed towards the Nokia IP330 firewall using a private communication network



Art Unit: 3627

(VPN), which is well-suited for public service. The examiner disagrees.

The examiner notes that the Nokia IP330 firewall provides routing capabilities as well as firewall protection ((4) "Nokia introduces a compact addition to the Nokia IP Security Series: Nokia IP330", lines 11-15). The examiner notes that a router/firewall provides routing capabilities and firewall protection for the network which provides protection from unwanted data into the network. Further the examiner notes that the "VPN" is a feature provided to gain access into the network ((2) "VPN White Paper: Secure Enterprise Communication"). The Examiner did provide a prima facie case of obviousness, motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

With respect to applicants arguments directed the suggested security means that use PKI-2 way authentication. The examiner disagrees.

The examiner notes that the Nokia IP330 firewall provides PKI-2 way authentication ((2) "VPN White Paper: Secure Enterprise Communication," page 6 of 9). The examiner interprets the use of a public and private key to be a PKI-2 way

Art Unit: 3627

authentication means. Further the examiner notes Nokia IP330 provides HTTPS post with XML Document and SSH for remote administration ((1) article "Nokia IP Network Security Solutions," page 6 of 6). The examiner interprets SSL/TLS to be HTTPS post with XML Document and F-Secure SSH to be SSH for remote administration. The Examiner did provide a prima facie case of obviousness, motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

#### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 3627

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

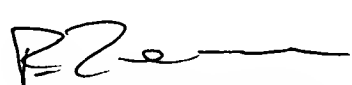
Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Asfand M Sheikh  
Examiner  
Art Unit 3627

ams  
10-Apr-07

8.

 4/11/07  
F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER